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EXAMINER

CHOW, CHARLES CHIANG

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/590,489

**Applicant(s)**

COHEN, MARC S.

**Examiner**

Charles Chow

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/13/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Detailed Action**

#### ***Drawings***

1. Withdraw the objection to drawing for Fig. 6, because applicant has corrected step 76 in Fig. 6, date 9/13/2004.
2. Withdraw the objection to abstract, because applicant has corrected the abstract for less than 150 words.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 7-8, 14-18, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazenfield (US 5,991,374) in view of Robbins (US 6,728,167 B1).

Regarding **claim 1**, Hazenfield teaches a messaging method for use with recorded digital audio media played in digital audio media players (the remotely programmable message delivery system to CD player of the message playback devices 24a-24d, abstract, Fig. 1, col. 1, lines 9-33; col. 1, line 64 to col. 2, line 63; message is means music, advertisements or other recorded audio signal in col. 3, lines 49-55, and receiving message playback data, including sequences of selected messages, playlist, in col. 3, lines 59-62; the music on hold MOH in col. 1, lines 16-33).

Hazenfield teaches the method comprising steps of providing a message to digital audio media players (the radio paging, broadcasting to, the remote message playback device 24

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with play lists via microwave link 31, col. 5, line 41 to col. 6, line 4), then, within a digital audio media player, receiving messages as a result of step of providing (the compact disc player receiving radio paging signals transmitted by a radio paging company and playing the message tracks specified in the radio paging signals, col. 2, lines 54-64; the receiver 34 in Fig. 2, col. 6, lines 24; receiving sequences of selected messages in col. 3, lines 59-65), storing received messages (the storing of demodulated signals in non-volatile memory device 55, col. 6, lines 30-32), (Note: The word "track", in applicant's claims, has been confirmed with attorney, that "track" means "music data", per telephone call in May, 2004).

Hazenfield does not clearly teach the message broadcast to digital audio media players.

Hazenfield teaches a server 12 can transmit, broadcast, a command to play the messages on the playlist to the intended remote sites (col. 5, lines 11-16), the remotely located computer transmits control signals via communication link for controlling plurality of message playback devices (col. 2, lines 6-11).

Haxenfield teaches the playing back the stored messages including music, advertisement, recorded audios at the playback CD player devices 24 (col. 3, line 49 to col. 4, line 17), the stored promotional message C1-C4 50% saving & extended business hours (col. 5, lines 1-17), the playing back stored demodulated message from memory 55, to queue tracks (col. 6, lines 30-36). Haxenfield does not teach the in response to a playback operation of the digital audio media player, device, to play a stored message. However, Robbins teaches the DTMF codes controlling of the reproduction of the music or commercial messages recorded on the disc (col. 3, lines 26-38, Fig. 3-5B) for the playback operation of the DTMF of the digital audio media player. Robbins teaches the efficient playback control with minimum user

intervention, by reading of the DTMF codes for the music track with interspersed with commercial messages (col. 1, line 35 to col. 2, lines 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield to combine Robbins' play list with DTMF control codes, such that playback of the music and commercial message could be efficiently played back by utilizing the DTMF control codes.

Regarding **claim 7**, Hazenfield teaches the step of playing including steps of forming a message play plan (the screens for guiding operator to select from group, for which audio message is to be played, and which of a number of subsets is to play and the order sequence of playing in col. 2, lines 11-25), to determine how many message should be played from memory in response to playback operation (the selected audio message, in col. 2, lines 14-15, the audio message in storage device in col. 2, lines 5-6).

Regarding **claim 8**, Hazenfield teaches the step of playing includes a step of launching the message play plan (to play selected audio messages in col. 2, lines 11-15; the play selected message in the playlist in col. 3, lines 59-65).

Regarding **claim 14**, Hazenfield teaches a messaging promotion (the playback message includes advertisement, music, other audio, col. 3, lines 49-52, 50% saving & extended business hours, col. 5, lines 4-7), method for use with recorded digital media played in digital audio media player (the CD player of the playback device 24a-24d, Fig. 1), the method comprising steps of arranging distribution of portable digital audio media players capable of playing digital audio media (the computer 14 arrange message to be transmitted to selected remote CD player 24a with message playlists and other information, having track numbers, and server 12 transmits playback message via radio paging, col. 5, lines 18-49), receiving

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message from a wireless broadcast (the receiving of wireless satellite, microwave, other types of communications link, col. 5, lines 41-54), the storing received messages and playing a stored message (receiving playback message and storing demodulated signals into memory 55 to queue tracks, col. 6, lines 24-32), the digital audio media player to target group of people (the message playback for specific region 26a, 26b, col. 4, lines 29-40, the selected remote sites 18, 20 or 22, col. 5, lines 18-20), the providing a message broadcast to players distributed in said step of distributing (the audio circuit 39, visual display 47 for providing message to player, Fig. 2, col. 5, line 54 to col. 6, line 4). Hazenfield does not teach the in response to a playback operation of the digital audio media player, device, to play a stored message. However, Robbins teaches the DTMF codes controlling of the reproduction of the music or commercial messages recorded on the disc (col. 3, lines 26-38, Fig. 3-5B) for the playback operation of the DTMF of the digital audio media player. Robbins teaches the efficient playback control with minimum user intervention, by reading of the DTMF codes for the music track with interspersed with commercial messages (col. 1, line 35 to col. 2, lines 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield to combine Robbins' play list with DTMF control codes, such that playback of the music and commercial message could be efficiently played back by utilizing the DTMF control codes

Regarding **claim 15**, Hazenfield teaches the arranging manufacture, prior to said step of distributing, player to be distributed in the step of distributing (the recorded certain requested written messages onto optical discs distributed to each remote site, col. 4, lines 45-57).

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Regarding **claim 16**, Hazenfield teaches the arranging includes arranging for marking of players to be distributed with promotion indica (the 50% saving & extended business hours, col. 5, line 11-17).

Regarding **claim 17**, Hazenfield teaches the messages promote music and including music samples (the playback message referring to music, advertisement, other recorded audio signals, col. 3, lines 49-55).

Regarding **claim 18**, Hazenfield teaches the arranging comprises distributing to at least two target groups of people (people in different geographical regions A, B, 26, 28, col. 4, lines 25-40).

Regarding **claim 21**, Hazenfield teaches a message receiving and playing digital audio media player (the message playback devices 24a-24d for receiving message playlists via communication link 31, Fig. 1 and abstract) comprising: a digital audio medium module (the playback device 24a-24d, Fig. 1) which plays digital audio media (the playback device 24a-24d for playing of selected message, col. 6, lines 34-36), a wireless receiver module (receiver 34, Fig. 2) which receives messages from a wireless (the radio paging communication link can be microwave link or other communications link, in col. 5, lines 41-49), stores received messages (storing to memory 55, Fig. 2; queuing up tracks for playing in col. 6, lines 34-36), an audio output which produces audio in response to playing of digital audio media or outputting of messages from memory (the audio output circuit 39, the speaker output 41, Fig. 2 for generating of the audio signal in col. 5, line 64 to col. 6, line 4), an interface to interface the audio output to the digital audio medium module and the wireless receiver module (the interface, micro-controller 50 and controller board 40, to interface audio to media disc 35 and

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the receiver 52, Fig. 2). Hazenfield teaches a server 12 can transmit, broadcast, a command to play the messages on the playlist to the intended remote sites (col. 5, lines 11-16), the remotely located computer transmits control signals via communication link for controlling plurality of message playback devices (col. 2, lines 6-11). The transmitted broadcast message could obvious be an advertisement, promotional message instead of control command.

Haxenfield does not teach the outputs stored message in response to a playback operation of the digital audio media player or outputting of messages from memory. However, Robbins teaches the DTMF codes controlling of the reproduction of the music or commercial messages recorded on the disc (col. 3, lines 26-38, Fig. 3-5B) for the playback operation of the DTMF of the digital audio media player. Robbins teaches the efficient playback control with minimum user intervention, by reading of the DTMF codes for the music track with interspersed with commercial messages (col. 1, line 35 to col. 2, lines 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield to combine Robbins' play list with DTMF control codes, such that playback of the music and commercial message could be efficiently played back by utilizing the DTMF control codes.

Regarding **claim 22**, Hazenfield teaches a message method for use with recorded digital audio media played in digital audio media players (the message playback devices 24a-24d for playback receiving message play lists to play selected messages, Fig. 1 and abstract), the method comprising steps of loading messages into memory of digital audio media player (the receiving, loading, demodulated signals into memory 55 of the playback device 24, Fig. 2, col. 6, lines 30-32); then, within a digital audio media player (24), storing message received



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from the step of loading (the received play list has sequence of messages, col. 3, lines 60-65, and memory 55 above has the stored play list which has messages received; the commanding the disc player to play the message tracks specified in the radio paging signal in requested sequence generated by the client computer, col. 2, lines 58-64; the playing message in response to the playback operation corresponding to the received playlist, col. 3, lines 59-65). Hazenfield teaches a server 12 can transmit, broadcast, a command to play the messages on the playlist to the intended remote sites (col. 5, lines 11-16), the remotely located computer transmits control signals via communication link for controlling plurality of message playback devices (col. 2, lines 6-11). Haxenfield does not teach the playing a stored message in response to a playback operation of the digital audio media player. However, Robbins teaches the DTMF codes controlling of the reproduction of the music or commercial messages recorded on the disc (col. 3, lines 26-38, Fig. 3-5B) for the playback operation of the DTMF of the digital audio media player. Robbins teaches the efficient playback control with minimum user intervention, by reading of the DTMF codes for the music track with interspersed with commercial messages (col. 1, line 35 to col. 2, lines 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield to combine Robbins' play list with DTMF control codes, such that playback of the music and commercial message could be efficiently played back by utilizing the DTMF control codes.

4. Claims 2, 13, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazenfield in view of Benyamin et al. (US 6,721,489 B1).

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Regarding **claim 2**, Hazenfield does not teaches the playback operation comprising a track end. However, Benyamin teaches the playback operation comprising a track end (in step 936, Fig. 12, processor playing audio, video, data, if the message was end of track then in step 962 processor 302 causes the music player to play next track, to playback the next music track. In step 964, processor sends the text information about the current music track being played to controller 320). Benyamin teaches the improved technique for having a play list manager to create play music play list based on the specified criteria (abstract, Fig. 1, Fig.13-16, Fig. 20), the efficiently handling large number of music playing in play list by automatically adding the music tracks (col. 1, line 37 to col. 2, line 13). Benyamin teaches the efficient end of track playback operation by automatically playing next track (steps 960, 962). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield, and to include Benyamin's controlling the end of track playback operation, such that the music playback operation could automatically play next track without interrupting the listening.

Regarding **claim 13**, Hazenfield teaches the step of playing including selecting a message from memory based upon a track title (Fig. 11, the Title for the descriptive title of message; the LISt for play list name in Fig. 16, for the distributed message to remote CD player 24). Benyamin teaches the playback operation is a track end (in step 936, Fig. 12, processor playing audio, video, data, if the message was end of track then in step 962 processor 302 causes the music player to play next track, to playback the next music track. In step 964, processor sends the text information about the current music track being played to controller 320).

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Regarding **claim 23**, Hazenfield teaches the step of playing including selecting a message from memory based upon a track title (Fig. 11, the Title for the descriptive title of message; the LISt for play list name in Fig. 16, for the distributed message to remote CD player 24). Benyamin teaches the playback operation is a track end (in step 936, Fig. 12, processor playing audio, video, data, if the message was end of track then in step 962 processor 302 causes the music player to play next track, to playback the next music track. In step 964, processor sends the text information about the current music track being played to controller 320).

5. Claims 3, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazenfield in view of Benyamin, as applied to claim 2 above, and further in view of Robbins (US 6,728,167 B1).

Regarding **claim 3**, Hazenfield and Benyamin fail to teaches a random number of messages are played by the step of playing in response to a playback operation. However, Robbins teaches a random number of messages are played by the step of playing in response to a playback operation (the CD player for playing music interspersed with commercial messages in abstract; the random playback from the play list in col. 7, lines 31-37; the total number of tracks of music between commercials TM in Fig. 3A; the identifying a music track in Fig. 5A; the generating of play list, play plan, in steps 530-564; the sixteen DTMF tone codes for controlling, indicating the position, Fig. 3, of the commercial message or the music track in col. 3, lines 26-37, col. 5, lines 48 to col. 6, lines 31, Fig. 4). Robbins teaches an efficient technique for controlling the rate of interruption of commercial message during the music

play, with a minimal user intervention, having DTMF tone codes for controlling the playback operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield combined with Benjamin above, and to include Robbins's play list for random playback, such that the message playback could be upgraded by randomly, conveniently, playing back of the message, instead of sequentially playing back. Regarding **claim 9**, Hazenfield fails to teach the erasing control code data when either the digital audio medium in the player is removed or the player is turned off, However, Benjamin teaches the user can delete a play list (col. 13, line 4, col. 12, line 51 to col. 13, line 4). It would be obvious for the player to erase the play list plan when the audio media is removed or the player is turned off, such that the memory space of the media player could be freed up for efficient utilization. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield, and to include Benjamin's erasing of a play list, such that the memory space of the media player could be freed up for efficient utilization. Hazenfield and Benjamin do not teach the reading control code, storing control code data wherein the control data indicates at least break locations between tracks, executing the message play plan. However Robbins teaches reading control code (generate play list in step 534, read and check control code DTMF in steps 540, 556 and read interrupt rate in step 548 in Fig. 5B and the sixteen DTMF tone codes for controlling, indicating the position, Fig. 3, of the commercial message or the music track in col. 3, lines 26-37, col. 5, lines 48 to col. 6, lines 31, Fig. 4), storing control code data wherein the control data indicates at least break locations between tracks (the cue commercial track in steps 552, 550, for storing of the control code, DTMF into generated play list, and the DTMFs is interspersed

between music, Fig. 3, abstract; marking and saving commercial message to be played in col. 7, lines 3-10), executing the message play plan (the playing of the disc begins at step 528 in col. 7, lines 24-25; the step 544 for verifying of end of playlist and executing the playlist by play commercial track at step 554). Robbins teaches the efficient playback control with minimum user intervention, by reading of the DTMF codes for the music track with interspersed with commercial messages (col. 1, line 35 to col. 2, lines 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield combined with Benyamin above, and to include Robbins' play list with DTMF control codes, such that playback of the music and commercial message could be efficiently performed with minimum user intervention, by utilizing the DTMF control codes.

Regarding **claim 10**, Robbins teaches the checking memory to determining a number of messages stored therein (the informing of the controller of the rate at which the commercial messages should be interrupt the music in abstract, for the determining of the number of messages on CD player; and in col. 3, lines 5-12), determining, using the control code data track on the digital audio medium that will have message played between them (the number of tracks of music between commercials, Fig. 3), determining based on the number of message stored in memory (rate of interruption from stored commercial message) and the number of breaks between tracks indicated by the control code (DTMF code), a number of message to play at teach break between tracks (the checking of DTMF in step 556, and the incrementing of the counting of commercial track in step 560, for counting of the commercial message to playback).

Regarding **claim 11**, Robbins teaches the using the control code data track (DTMF code), includes randomness (the random playback from the play list in col. 7, lines 31-37).

Regarding **claim 12**, Robbins teaches launching a message play plan (the play disc begin in step 528 and play commercial in step 5554), identifying using control code data a next track on the digital audio medium to be played (step 540 for verifying DTMF for music track), using the message play plan to determine if a message is to be played before the next track (the step 556 for verifying the DTMF code for commercial message, and step 560 for incrementing counter for commercial message) if no message is be played returning to the step of identifying (if no DTMF at step 556, go to start 558), otherwise, determining the number of message to be played from the message play plan (step 560, incrementing commercial message counter) and pulling that number of messages from memory (playing the number of commercial tracks in step 554 based on the rate value of the commercial interruptions in step 548) and playing the messages pulled from memory (play commercial track in step 554) prior to next track (cue next track on playlist at step 550).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hazenfield in view of Lakhansingh (US 6,041,023).

Regarding **claim 4**, Hazenfield fail to teach a step of converting, after the step of receiving a received message if the message is in analog format. However, Lakhansingh teaches the a step of converting, after the step of receiving a received message if the message is in analog format (the radio receiver converts received signals into digital data signals 20, col. 3, lines 39-46, Fig. 5, radio receiver A/D). Lakhansingh teaches a portable compact disk CD player

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10 can save the favorite music selections from broadcast station AM/FM, and writes the music selections to the CD player for playing back (abstract, Fig. 1-5), having the improved technique for storing, editing, retrieving of the audio, video information from the CD player (col. 2, line 49 to col. 3, lines 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield, and to include Lakhansingh's portable radio CD player 10 for converting received signal to digital signal and writing to disk memory of the CD player, such that the favorite music selections could be efficiently saved to a compact disk for playing back favorite song later.

7. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazenfield in view of Kuroda (US 6,311,011 B1).

Regarding **claim 5**, Hazenfield fail to teach the claimed features for this claim.

However, Kuroda teaches the initially storing a received message in short term storage (temporary recording to HDD in step S101, Fig. 3 in the recording of audio, video signals), checking long term memory to see if space available for the received message (calculate a capacity for storing contents in step S104), then if space is available for the received message (is remaining capacity enough in step S107), transferring the received message to long term memory (if yes, go to step S108, S109, to copy the temporary recorded contents to the selected storage device), else freeing space in long term memory (deleting the content signals of the old program recorded in abstract) and then transferring the received message to long term memory. Kuroda teaches the efficient recording with improved technique by confirming the available memory space is large enough for recording, and making memory space for

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recording by deleting the oldest stored program. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield, and to include Kuroda's message storing techniques, having temporary storage, the verifying of available space for transferring message from temporary storage to selected, long term, storage, such that the recording could be efficiently performed by verifying the available memory space and by making free space by deleting oldest stored program.

Regarding **claim 6**, referring to Kurada in claim 5 above for the deleting messages beginning with oldest message until enough space exists for the received message (in abstract).

9. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hazenfield in view of Strasnick, as applied to claim 18 above, and further in view of Hendricks et al. (US 6,463,585 B1).

Regarding **claim 19**, Hazenfield and Strasnick fail to teach the claimed features for this claim. However, Hendricks et al. (Hendricks) teaches the player having different receiving channel are distributed to separate target groups (the assigning advertising channels to groups watching particular categories of program in Fig. 31, col. 8, lines 44-46), and the separate broadcast by using separate channels (the broadcast particular program, with groups 1 and 2 receiving the targeted advertising carried on the program channel and groups 3-4 receiving the targeted advertising carried on feeder channel 1, Table F). Hendricks teaches the improved technique for efficiently delivery of targeted advertisement to customers (col. 2, line 59 to col. 3, line 48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Hazenfield combined with Strasnick above, and to



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include Hendricks's targeted advertisement on different broadcast channel, such that the targeted advertisement could be efficiently presented to customer on a different channel without interrupting other channel.

Regarding **claim 20**, Hendricks teaches the separate target groups are geographically separated and the separate broadcast is achieved by geographic separation between broadcast (the targeted advertising group categories is mapped with the demographic customer cluster group in the process for assigning targeted advertisement to broadcast program channels and feeder channels, based on the zip code +4 data in col. 35 lines 1-15, Table E, Table F, Table G).

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicant's amendment for the no teachings for the broadcast messages (amendment, page 4, 9/16/2004), the transmitted advertisement, promotion (amendment, page 5), the no control signal in the form of playlist over wireless channel (amendment page 6), the loading into memory with messages (amendment, page 7), Hazenfield does teach the broadcast messages with transmitted advertisement, promotion [the radio paging, broadcast of playback messages, col. 5, lines 41-49, communication links 31, 17, Fig. 1, the playback messages including advertisement, other recorded audios, music, col. 3, lines 49-55]; the no control signal in the form of playlist over wireless channel [the transmitting control signal playlist to player 32 via wireless satellite, microwave, other types of communications link,

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col. 5, lines 41-54], the loading into memory with messages (the storing of the demodulated signals in a memory device 55, and controller 40 to queue up tracks, col. 6, lines 24-36].

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)-305-4385. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

or faxed to: (703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Charles Chow *C.C.*

December 30, 2004.

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600